

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on January 19, 2016.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols (6:51p.m.), Deputy Police Chief Jason Taylor, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the Regular meeting January 5, 2016; Fire Department Report for the month of December 2015 and 2015 Year End Fire Department report; bills and payroll for the first half of January, 2016.

Bills and Payroll for the first half of January, 2016

| | | | |
|---------|---|----|-------------------|
| | <u>General Fund</u> | | |
| Payroll | | \$ | 525,414.65 |
| Bills | | \$ | <u>495,344.84</u> |
| | Total | \$ | 1,020,759.49 |
| | <u>Hotel Tax Administration</u> | | |
| Payroll | | \$ | 5,124.85 |
| Bills | | \$ | <u>966.73</u> |
| | Total | \$ | 6,091.58 |
| | <u>Arts Council</u> | | |
| Bills | | \$ | <u>96.45</u> |
| | Total | \$ | 96.45 |
| | <u>Festival Mgmt. Fund</u> | | |
| Bills | | \$ | <u>1,825.61</u> |
| | Total | \$ | 1,825.61 |
| | <u>Insurance & Tort Judgment</u> | | |
| Bills | | \$ | <u>275,024.54</u> |
| | Total | \$ | 275,024.54 |
| | <u>Capital Project Fund</u> | | |
| Bills | | \$ | <u>29,450.69</u> |
| | Total | \$ | 29,450.69 |

Midtown TIF Fund

| | | | |
|-------|-------|----|--------|
| Bills | | \$ | 330.00 |
| | Total | \$ | 330.00 |

Water Fund

| | | | |
|---------|-------|----|-----------|
| Payroll | | \$ | 63,319.23 |
| Bills | | \$ | 35,457.31 |
| | Total | \$ | 98,776.54 |

Sewer Fund

| | | | |
|---------|-------|----|-----------|
| Payroll | | \$ | 71,829.41 |
| Bills | | \$ | 21,665.27 |
| | Total | \$ | 93,494.68 |

Health Insurance Fund

| | | | |
|-------|-------|----|------------|
| Bills | | \$ | 242,205.99 |
| | Total | \$ | 242,205.99 |

Motor Fuel Tax Fund

| | | | |
|-------|-------|----|-----------|
| Bills | | \$ | 17,371.64 |
| | Total | \$ | 17,371.64 |

Mayor Gover opened the floor for comments/discussion with no response.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

Mayor Gover opened the floor for Public comments with no response.

NEW BUSINESS

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2016-1650, approving the final 2015 Motor Fuel Tax Street Maintenance Expenditure Statement in the amount of \$421,719.80; and authorizing the mayor to sign the expenditure statement. [15-00000-00-GM]

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to adopt Resolution No. 2016-2954, appropriating Motor Fuel Tax funds in the amount of \$9,800 for the construction of concrete pavement, gutters, and driveway pavement on Wabash Avenue between 19th Street and 21st Street. 15-00268-00-RS

**CITY OF MATTOON
RESOLUTION NO. 2016-2954**



**Illinois Department
of Transportation**

**Resolution for Improvement by
Municipality Under the Illinois Highway Code
Highway Code**

BE IT RESOLVED, by the City Council of the _____ of the _____
Council or President and Board of Trustees
 City _____ of Mattoon Illinois
City, Town or Village

that the following described street(s) be improved under the Illinois Highway Code:

| Name of Thoroughfare | Route | From | To |
|----------------------|-------|-------------------------|-------------------------|
| Wabash Avenue | N/A | 19 th Street | 21 st Street |
| | | | |
| | | | |
| | | | |
| | | | |

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of the construction of concrete pavement, gutters, and driveway pavement on Wabash Avenue from 19th Street to 21st Street in Mattoon

_____ and shall be constructed 30' wide

and be designated as Section 15-00268-00-RS

2. That there is hereby appropriated the (additional Yes No) sum of Nine Thousand, Eight Hundred
 _____ Dollars (\$9,800.00) for the
 improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and,
Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved _____

 Date

I, Susan J. O'Brien Clerk in and for the
 City _____ of Mattoon
City, Town or Village
 County of Coles , hereby certify the
 foregoing to be a true, perfect and complete copy of a resolution adopted
 by the City Council
Council or President and Board of Trustees

Department of Transportation

at a meeting on January 19, 2016

Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this

20th day of January, 2016

Regional Engineer

(SEAL)

/s/ Susan J. O'Brien

City, Town, or Village Clerk

Mayor Gover opened the floor for comments/questions/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No. 2016-1615, authorizing the City of Mattoon to join a class action lawsuit against the marketers of liquid alum for price fixing of sales prices of liquid alum. (Wolf Hadenstein Adler Freeman & Herz LLP)

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2016-1615**

**A SPECIAL ORDINANCE AUTHORIZING THE CITY TO JOIN A CLASS ACTION LAWSUIT
AGAINST THE MARKETERS OF LIQUID ALUM FOR PRICE FIXING THE SALES PRICE
OF LIQUID ALUM**

WHEREAS, there is currently litigation contemplated against the marketers of Liquid Alum for price fixing, and;

WHEREAS, the City believes it is appropriate to join in said litigation and seek recovery of excess payment which the City has made for said product.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Special Ordinance.

Section 2. The Mayor and City Attorney are authorized and directed to take any steps necessary to join in the litigation against the marketers of Liquid Alum.

Section 3. The Mayor and City Attorney are authorized and directed to sign the "Liquid Aluminum Sulfate Draft Retainer Letter," attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 4. The Mayor and City Clerk are also authorized to do any act and sign any additional documents necessary to implement the intent of this Ordinance.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 19th day of January, 2016, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of January, 2016.

/s/Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on January 19th, 2016.

Mayor Gover opened the floor for comments/questions/discussion. Attorney Winter-Black apprised the Council on the class action lawsuit. Administrator Gill noted the City would need to provide information in support of the claim.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Owen moved to approve Council Decision Request 2016-1651, approving two \$5,000 grants by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon YMCA for hosting the Charleston Mattoon Weightlifting Club Competition to be held on January 16-17, 2016 and the YMCA Jr. District Swim Meet to be held on February 27, 2016; and authorizing the Mayor to sign the agreement.

Commissioner Hall explained the late grant request due to the applicant's conflict with the original location of the event, the attraction of many visiting participants, and the winter event. Mayor Gover opened the floor for questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Hall moved to approve Council Decision Request 2016-1652, approving the waiver of the formal bidding requirement and accepting the price quote from Standerfer Construction in the amount of \$31,173 for repairs to the Burgess Osborne Auditorium due to a vehicular accident.

Mayor Gover opened the floor for comments/questions/discussion. Council with Director Barber discussed the other bidders, criteria for price quote, solicitation of bids, partial reimbursement from insurance, rehab of building, and landscaping project this Spring.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, Abstain Commissioner Graven - due to working relationship with Standerfer, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Owen seconded by Commissioner Graven moved to adopt Ordinance No. 2016-5384, repealing Ordinance 2015-5382 and amending Chapter 36 of the municipal code regarding the increase of electricity tax and the renewal of municipal meters exemptions.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2016-5384

**AN ORDINANCE AMENDING CHAPTER 36 OF THE MUNICIPAL CODE REGARDING
TAXATION**

WHEREAS, Chapter 36 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the taxation within the City limits; and

WHEREAS, on the 3rd day of May, 1966 the City Council of the City of Mattoon, Illinois, passed Ordinance No. 66-4054, which Ordinance imposed a tax on all persons engaged in the business of transmitting messages by means of electricity, distributing, supplying, furnishing or selling gas, electricity or water for use or consumption within the corporate limits of the City of Mattoon, and not for resale, at the rate of 5% of the gross receipts therefrom; and

WHEREAS, Ordinance No. 81-4417 amended Ordinance 66-4054; Ordinance No. 94-4471 amended Ordinance 81-4417; Ordinance No. 96-4846 amended Ordinance No. 94-4471; Ordinance No. 98-4958 amended Ordinance 96-4846; and Ordinance No. 99-4989 provided for a method of collecting taxes for privilege of using electricity based upon Kilowatt-Hour usage of individual customers.

WHEREAS, the current Ordinance 98-4958 and Ordinance 99-4989 are outdated and in need of updating;

WHEREAS, after careful consideration, the City Council of the City of Mattoon, Illinois, deems it to be in the best interests of the citizens of the City of Mattoon to have specific provisions addressed within the taxation code including an exemption for any accounts of the City of Mattoon from the taxes imposed by this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Taxation. Sections §36.07, §36.21 and §36.22 of Chapter 36 of the Code of Ordinances of the City of Mattoon are hereby amended to read as follows:

§ 36.07 ELECTRICITY TAX.

(A) (1) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality shall be taxed at the following rates, calculated on a monthly basis for each purchaser.

- (a) For the first 2,000 kilowatt-hours used or consumed in a month: 0.61 cents per kilowatt-hour;
- (b) For the next 48,000 kilowatt-hours used or consumed in a month: 0.40 cents per kilowatt-hour;
- (c) For the next 50,000 kilowatt-hours used or consumed in a month: 0.36 cents per kilowatt-hour;
- (d) For the next 400,000 kilowatt-hours used or consumed in a month: 0.35 cents per kilowatt-hour;
- (e) For the next 500,000 kilowatt-hours used or consumed in a month: 0.34 cents per kilowatt-hour;
- (f) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.32 cents per kilowatt-hour;
- (g) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.315 cents per kilowatt-hour;
- (h) For the next 5,000,000 kilowatt-hours used or consumed in a month: 0.31 cents per kilowatt-hour;
- (i) For the next 10,000,000 kilowatt-hours used or consumed in a month: 0.305 cents per kilowatt-hour;
- (j) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month: 0.30 cents per kilowatt-hour;

(2) The tax rates set forth in the preceding table will take effect on March 1, 2016.

(B) *Exceptions*

(a) None of the taxes authorized by this section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this section for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act as authorized by ILCS Ch. 65, Act 5, § 8-11-1; nor shall any tax authorized by this section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

(b) The City of Mattoon, Illinois, an Illinois municipal corporation, and any account of the City of Mattoon, Illinois are hereby exempt from the taxes imposed by this section.

(C) *Additional taxes.* Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

(D) *Collection.* The tax authorized by this section shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this section and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser,

then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. On or before the last day of each month, persons delivering electricity shall make a return to the city for the preceding month and shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this section.

(E) *Reports to municipality.*

(1) On or before the last day of each month, each taxpayer who has not paid the tax imposed by this section to a person delivering electricity as set forth in division (D) of this section and who is not otherwise exempted from paying such tax shall make a return to the City Treasurer for the preceding month stating:

- (a) His or her name
- (b) His or her principal place of business;
- (c) His or her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (d) Amount of tax.
- (e) Such other reasonable and related information as the corporate authorities may require.

(2) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City of Mattoon, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

(F) *Credit for overpayment.* If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section, from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited. No action to recover any amount of tax due under the provisions of this section shall be commenced more than two years after the due date of such amount.

(G) In the event that Public Act 90-561 is declared unconstitutional, or if the provisions provided herein created by this section are voided by court action, the provisions of Ordinance No. 98-4958 (commonly known as the Gross Receipts Utility Tax - see §§ [36.20](#) through [36.26](#) of this chapter) shall remain in effect in all respects as if it had never been amended by this subchapter, and any amounts paid to the city by any person delivering electricity pursuant to this subchapter shall be deemed to have been paid pursuant to the Gross Receipts Utility Tax as it existed prior to the passage of this subchapter. (Ord. 99-4989, passed 6-1-1999)

§ 36.21 IMPOSITION OF UTILITY TAX.

(A) A tax is imposed on all persons engaged in the following occupations or privileges:

- (1) Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the city, and not for resale, at the rate of 5% of the gross receipts therefrom.
- (2) Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the city, and not for resale, at the rate of 5% of the gross receipts therefrom.

(3) Cross-reference **Electricity Tax, see § 36.07**

§ 36.22 GAS & WATER TAX EXCEPTIONS.

(A) No tax is imposed by this subchapter with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, water or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this subchapter for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by ILCS Ch. 65, Act 5, § 8-11-1.3.

(B) The City of Mattoon, Illinois, an Illinois municipal corporation, and any account of the City of Mattoon, Illinois are hereby exempt from the taxes imposed by this section.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Section 5. All ordinances or parts thereof, including specifically Ordinance No. 2015-5382, in conflict herewith are hereby repealed, and this Ordinance shall be in full force and effect forthwith upon adoption.

Upon motion by Commissioner Owen, seconded by Commissioner Graven, adopted this 19th day of January, 2016, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of January, 2016.

/s/Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on January 19, 2016.

Mayor Gover opened the floor for questions/comments. Administrator Gill noted the request from Ameren for minor changes and an effective date.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT updated Council on meetings with other city managers/administrators, the pre-trial on the former Young's Radiator site, a speaking engagement at the Chamber meeting along with the Mayor, and budget preparation; otherwise, business as usual. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY had nothing to report. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted business as usual. Mayor Gover opened the floor for questions with no response.

FINANCE distributed and reviewed the December 2015 Financial Report. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on various projects: CSO Satellite Treatment Facility, Progress Square bid, and Marshall Avenue improvements. Mayor Gover opened the floor for questions with no response.

FIRE reported on Petsmart's water sprinkler repair. Mayor Gover opened the floor for questions with no response.

POLICE noted a good week last week and good start to this week. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM Commissioner Hall had nothing to report this meeting, but noted Mattoon Arts Council (MAC) to report at the next meeting.

COMMENTS BY THE COUNCIL

Commissioner Cox thanked personnel for their efforts in preparation for snow. Commissioner Graven thanked Deputy Chief Taylor for his attendance at the Security Conference for the landlords in Charleston. Commissioners Hall and Owen had no additional comments.

Mayor Gover seconded by Commissioner Owen moved to recess to closed session at 6:57 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of collective negotiating matters between the City of Mattoon and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees (5ILCS/20 (2)(C)(2)); litigation under Section 2(c)(11) that is affecting the City of Mattoon (5 ILCS 120(2)(c)(11)); and minutes of meetings lawfully closed for purposes of the semi-annual review as mandated by Section 2.06 (5 ILCS 120(2)(c)(21)).

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Council reconvened at 7:15 p.m.

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2016-1653, authorizing the release of all Executive Session minutes from October 14, 2009 through December 31, 2015, except for October 14, 20, 2009; May 18, 2010; August 16, 2011; October 18, 2011; January 10, 2012; February 01, 2012; May 01, 15, 29, 2012; June 12, 2012; July 2, 2013; February 27, 2014; March 18, 2014; April 1, 15, 24, 2014; May 6, 20, 2014; July 15, 2014; September 16, 2014; November 18, 2014 January 6, 20, 2015; February 17, 2015; May 19, 2015; September 01, 2015; and approve the destruction of Executive Session verbatim records which have been approved for release in written form as follows: January 09 and 21, 2014.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Council discussed options to encourage development for residential and commercial areas.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:19 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/Susan J. O'Brien
City Clerk